

RESOLUTION NO. 2012-77

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE  
MANAGEMENT EMPLOYEES' ORGANIZATION (MEO), BY ADOPTING THE SIDE  
LETTER OF AGREEMENT**

WHEREAS, the City of Huntington Beach elects to implement a holiday closure for the period December 24, 26, 27, 28, and 31, 2012, which will result in City Hall and other City of Huntington Beach operations being closed to the public over the entire closure period; and

WHEREAS, on May 21, 2007, the City Council of Huntington Beach adopted Resolution No. 2007-33 for the purpose of adopting the Memorandum of Understanding (MOU) between the City and the Management Employees' Organization (MEO);

Subsequent to the adoption of the MOU, the City of Huntington Beach and MEO agreed to changes, corrections, and clarifications to the MOU that are reflected in a Side Letter of Agreement between the City of Huntington Beach and MEO ("Side Letter Agreement") attached hereto as **Exhibit A** and incorporated herein by this reference. The Side Letter Agreement pertains to Holiday Closure.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Huntington Beach as follows:

Section 1. The Side Letter Agreement attached hereto as **Exhibit A** is approved and adopted.

Section 2. The Side Letter Agreement amends the MOU between the City of Huntington Beach and MEO.

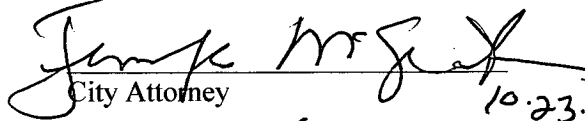
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 5th day of November, 2012.

  
Mayor

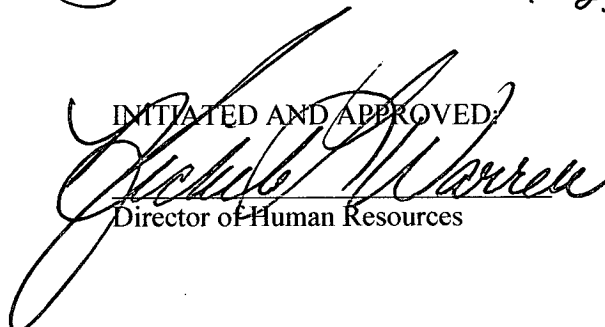
REVIEWED AND APPROVED:

  
City Manager

APPROVED AS TO FORM:

  
City Attorney 10.23.12

INITIATED AND APPROVED:

  
Director of Human Resources

**City of Huntington Beach  
SIDE LETTER AGREEMENT**

The Management Employees' Organization ("MEO") and the City of Huntington Beach ("City") hereby agree to this side letter to the 12/20/06 – 12/19/08 MOU, as amended by previous Side Letters, including the 10/15/07, 12/17/07, 03/16/09, 03/15/10, 11/15/10, 11/07/11, 03/05/12, and 08/20/12 Side Letters.

**ARTICLE IX – HOURS OF WORK/ADMINISTRATIVE LEAVE**

**A. Holiday Closure**

- i. December 24, 26, 27, 28, 31, 2012, will be known and referred to as "Holiday Closure" for the dates specified.
- ii. Employees will not report to work during the "Holiday Closure". Full time employees will be required to take forty-four (44) hours of time off. Part-time employees will be proportionally required to re-pay time based upon regular assignment (e.g. 25%/50%/75%) as applied to forty-four (44) hours.
- iii. Employees may elect to furlough (time off without pay) or employees may use approved leave accruals (general leave or administrative leave) to account for the time away from work during the "Holiday Closure".
- iv. The City may require at the request of the department head, that certain employees work a regular or partial schedule on one or more of the "Holiday Closure" days. (12/24/12, 12/26/12, 12/27/12, 12/28/12, 12/31/12). Any employee required by the Department Head to work during any portion of the "Holiday Closure" will be required to take the equivalent time off between January 5, 2013 and July 5, 2013.

**B. Time Accounting**

- i. All employees not required to report to work during the "Holiday Closure" will be paid their regular salary for the "Holiday Closure" but will be required to account via payroll, as set forth below, for the appropriate time associated with the "Holiday Closure".
- ii. The payroll accounting options for the "Holiday Closure" includes furlough and use of leave accruals (general leave or administrative leave). Payroll accounting for the "Holiday Closure" not specifically listed herein must be approved by the City Manager or designee.
- iii. Employees required to work during any portion of the "Holiday Closure" will be paid their regular salary for the "Holiday Closure", and will be required to account for the equivalent amount "Holiday Closure" hours via furlough, use of approved leave accruals (general leave or administrative leave), or alternative equivalent time taken notwithstanding having worked during the "Holiday Closure" dates.
- iv. The payroll accounting methods (furlough, use of leave accruals, alternative equivalent time taken in-lieu of "Holiday Closure" dates) listed herein may be

used in any approved combination for a period not to exceed six months but not later than the pay period ending July 05, 2013.

- v. Employees without adequate leave accruals may borrow against future accruals earned – up to and including time accrued as of the end of the pay period ending July 05, 2013.
- vi. All "Holiday Closure" hours are to be accounted for via payroll within six-months but not later than the end of the pay period ending July 05, 2013.
- vii. Any "Holiday Closure" hours not voluntarily accounted for via payroll as of the end of the pay period ending July 05, 2013, shall be accounted for in the following order until a zero-balance is achieved:
  - 1. Administrative Leave
  - 2. General Leave
  - 3. Furlough Hours
- viii. Employees separating from City service must reconcile all unaccounted "Holiday Closure" hours at time of separation. Time will be accounted for in the following order until a zero-balance is achieved:
  - 1. Administrative Leave
  - 2. General Leave
  - 3. Furlough Hours
- ix. Payroll accounting of the "Holiday Closure" by furlough shall not impact service for purposes of seniority, shall not affect probationary periods, and shall not affect health or retirement benefits.

C. Scheduling - New Years Day – Flex Day/Holiday Substitute

Employees assigned to Schedule A flex schedule, and employees with 4/10 Tuesday – Friday flex schedule may select an alternative flex day in lieu of Friday, December 28, 2012, within the pay period of 12/22/12 – 01/04/13. The alternative flex day may not include 12/24/12, 12/26/12, 12/27/12, 12/28/12 or 12/31/12.

- i. All provisions pursuant to MEO MOU Exhibit E – Leave Benefits #5 – Holidays, shall apply.
- ii. All provisions pursuant to MEO MOU Exhibit F – Leave Benefits #5 – Holidays, shall apply.

**ARTICLE XIII - CITY RULES**

C. Rules Governing Layoff, Reduction in Lieu of Layoff and Re-Employment

3. Notification of Employees

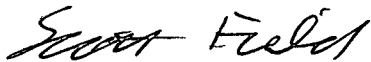
- a. The Human Resources Department shall give written notice of layoff to the employee by personal service or by sending it by certified mail to the last known mailing address at least thirty (30) calendar days prior to the effective date of the layoff. Normally notices will be served on employees personally at work.

**Side-Letter Implementation**

The parties agree that the execution of this side-letter agreement may not be challenged by the Association or any employee it is recognized to represent through the City's grievance procedure or in any other forum unless the challenge is based upon a factual allegation that the Agreement was the product of fraud, intentional misrepresentation or unlawful coercion on the part of City representatives.

IN WITNESS WHEREOF, the parties have caused this SIDE LETTER AGREEMENT to be executed by and through their authorized officers on NOVEMBER 5, 2012.

**Huntington Beach  
Management Employees'  
Organization**



Scott Field  
President

Dated: 10/25/12



Tom Graham  
Vice President

Dated: 10.25.12

**City of Huntington Beach**



Fred A. Wilson  
City Manager

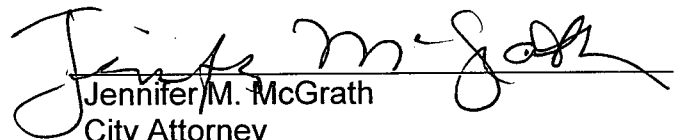
Dated: 11-6-12



Michele Warren  
Director of Human Resources

Dated: 10/17/12

**APPROVED AS TO FORM:**




Jennifer M. McGrath  
City Attorney

Dated: 10.23.12

STATE OF CALIFORNIA  
COUNTY OF ORANGE                     ) ss:  
CITY OF HUNTINGTON BEACH        )

I, JOAN L. FLYNN the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a **Regular** meeting thereof held on **November 5, 2012** by the following vote:

**AYES:**       Shaw, Harper, Dwyer, Hansen, Carchio, Bohr, Boardman  
**NOES:**       None  
**ABSENT:**   None  
**ABSTAIN:**   None

  
\_\_\_\_\_  
City Clerk and ex-officio Clerk of the  
City Council of the City of  
Huntington Beach, California